

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBEN ORTEGA JUAREZ, individually and on
behalf of others similarly situated,

Plaintiffs,

-against-

MI MEXICO MINI MARKET & GROCERY INC.
(d/b/a MI MEXICO MEAT MARKET), CECILIO
LEZAMA, RENE LEZAMA, and JAELEZAMA,

Defendants.

Case No. 1:23-cv-06978 (JLR)
(SDA)

ORDER VACATING
DEFAULT JUDGMENT

JENNIFER L. ROCHON, United States District Judge:

WHEREAS, on January 26, 2024, default judgment was entered in favor of Plaintiffs and against Defendants, *see* Dkt. 38; and

WHEREAS, on December 31, 2024, Defendants moved this Court to vacate the default judgment entered against them pursuant to Federal Rule of Civil Procedure (“Rule”) 60, *see* Dkts. 41-42; and

WHEREAS, the Court “may set aside a final default judgment under Rule 60(b),” Fed. R. Civ. P. 55(c), for “mistake, inadvertence, surprise, or excusable neglect,” Fed. R. Civ. P. 60(b)(1), “fraud . . . , misrepresentation, or misconduct by an opposing party,” Fed. R. Civ. P. 60(b)(3), or “any other reason that justifies relief,” Fed. R. Civ. P. 60(b)(6); and

WHEREAS, Plaintiffs do not oppose Defendants’ motion to vacate the default judgment, *see* Dkt. 48; and


WHEREAS, upon consideration of the parties’ submissions, and because the Second Circuit “generally disfavor[s]” default judgment and has expressed a “preference for resolving disputes on the merits,” *Enron Oil Corp. v. Diakuhara*, 10 F.3d 90, 95-96 (2d Cir. 1993), the Court finds that relief from the default judgment entered against Defendants is justified;

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the default judgment entered against Defendants is **VACATED**.

The Clerk of Court is respectfully directed to vacate the default judgment entered against Defendants and any corresponding orders, terminate the motions pending at Dkts. 41 and 42, and reopen the case.

Dated: January 22, 2025
New York, New York

SO ORDERED.



JENNIFER L. ROCHON
United States District Judge